

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE ABANDONMENT OF A PORTION OF WEST COLLEGE AVENUE THAT IS APPROXIMATELY 1.405 ACRES OF RIGHT OF WAY LOCATED ON THE EAST SIDE OF LUNA ROAD AND DESCRIBED AND DEPICTED ON EXHIBIT A; RETAINING ALL RIGHTS TO AND IN THE REMAINING PORTION OF ANY RIGHT OF WAY SHOWN ON THE ADMINISTRATIVE PLAT; PROVIDING FOR THE CONVEYANCE OF THE RIGHT OF WAY UPON DEDICATION OF NEW RIGHT OF WAY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City is the owner of right-of-way located generally on the east side of Luna Road, said right of way being known as College Avenue and being depicted in the public records of Dallas County including in instrument numbers 74164-0161 and 92154-0388, and by use and occupation is deemed right of way of the City of Carrollton. A portion of said right of way is described and depicted on Exhibit A, attached hereto and incorporated for all purposes (“ROW”);

**WHEREAS**, College Avenue is listed as a collector roadway on the City’s Transportation Plan Map;

**WHEREAS**, Core5 Trade Center at Valwood LLC (“Applicant”) with the consent of all adjacent property owners, has requested the City abandon the ROW;

**WHEREAS**, Section 272.001 of the Texas Local Government Code provides for the conveyance, sale or exchange of a property interest by the City to an abutting property owner;

**WHEREAS**, Section 311.007 of the Texas Transportation Code provides a home-rule municipality authority to vacate, abandon, or close a street or alley;

**WHEREAS**, the applicable City departments have reviewed and approved the City’s abandonment of the ROW;

**WHEREAS**, an appraisal was completed determining the market value of the fee simple interest in the ROW as well as the value of new right of way being dedicated to the City, said new right of way being shown as College Avenue in Exhibit B (“Roadway”);

**WHEREAS**, the appraisal indicated the value of the Roadway as greater than that of the existing ROW;

**WHEREAS**, an agreement has been executed between Applicant and the City of Carrollton providing for the dedication of the Roadway, which is a new path of movement for the proposed abandoned portion of College Avenue, as consideration to the City for the ROW abandonment;

**WHEREAS**, the Applicant has also complied with all other requirements of the abandonment application;

**WHEREAS**, any existing easements will be reserved upon the conveyance of the property;

**WHEREAS**, with the dedication of the Roadway, there shall no longer be a public necessity for the current ROW, and the current ROW should be abandoned as a public use; and

**WHEREAS**, this abandonment shall extend only to the public right of way, title and interest which the City of Carrollton, Texas may have in and to said right of way, and shall be construed to extend only to the Property and to such interest that the governing body of the City of Carrollton may legally and lawfully abandon.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:**

**SECTION 1.**

All of the above premises to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.**

The ROW is no longer needed for public use with the dedication of the Roadway, and it is in the public interest of the City of Carrollton to abandon the described ROW.

**SECTION 3.**

The City retains all rights in the remainder of the City's right of way that is not expressly abandoned herein, and nothing herein shall limit the City's rights and use of the public right of way.

**SECTION 4.**

The abandonment provided for herein is made and accepted subject to all present zoning and deed restrictions, and all easements, whether apparent or non-apparent, including aerial, surface or underground.

**SECTION 5.**

The described ROW is hereby abandoned, and the City Manager is authorized to convey the property by Deed Without Warranty to the adjacent owner of the property upon the recording of the plat in the public records of Dallas County dedicating the Roadway to the City of Carrollton.

**SECTION 6.**

The City Manager is authorized to take those steps reasonable and necessary to comply with the purpose and intent of this ordinance, including, through a designee, executing all necessary documents for the abandonment and conveyance of the Property in accordance with all applicable laws.

**SECTION 7.**

This Ordinance shall become effective on and after its adoption.

DULY PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF CARROLLTON, TEXAS

By: \_\_\_\_\_  
Kevin W. Falconer, Mayor

ATTEST:

\_\_\_\_\_  
Laurie Wilson, City Secretary

Approved as to form:

\_\_\_\_\_  
Susan Keller  
Assistant City Attorney

Approved as to content:

\_\_\_\_\_  
Tom Hammons, P.E.  
Interim Director of Engineering

**EXHIBIT A**  
**PARTIAL RIGHT-OF-WAY ABANDONMENT**  
**COLLEGE AVENUE**  
**1.41 ACRES (61,212 SQUARE FEET)**  
**SITUATED IN THE**  
**MARTHA P. GREEN SURVEY, ABSTRACT NUMBER 519,**  
**ELIZABETH LAMAR SURVEY, ABSTRACT NUMBER 797,**  
**CITY OF CARROLLTON, DALLAS COUNTY, TEXAS**

BEING a 1.41 acre tract of land situated in the Martha P. Green Survey, Abstract Number 519, and the Elizabeth Lamar Survey, Abstract Number 797, City of Carrollton, Dallas County, Texas, being part of a tract of land described as "Tract No. 2" in Donation Deed to City of Carrollton, Texas, as recorded in Volume 92154, Page 383 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being part of College Avenue (a variable width right-of-way by use and occupation, no deed of record found), and being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2-inch found iron rod with cap stamped "D&D-4369" for the southwest corner of a called 26.795 acre tract of land described as "Tract 1" in deed to Core5 Trade Center at Valwood, LLC., as recorded in Instrument Number 201700358778 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and at the intersection of the east right-of-way line of Luna Road (variable width right-of-way) and the north right-of-way line of said College Avenue;

THENCE North 89 degrees 57 minutes 32 seconds East, with the south line of said 26.795 acre tract and the north right-of-way line of said College Avenue, a distance of 6.85 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the **POINT OF BEGINNING**;

THENCE North 89 degrees 57 minutes 32 seconds East, with the south line of said 26.795 acre tract and the north right-of-way line of said College Avenue, a distance of 1,125.44 feet to the point of curvature (not monumented) of a non-tangent circular curve to the right, having a radius of 320.00 feet whose chord bears South 58 degrees 22 minutes 11 seconds East, a distance of 4.06 feet;

THENCE Southeasterly, departing the south line of said 26.795 acre tract and the north right-of-way line of said College Avenue, and over and across said College Avenue and with said curve, through a central angle of 00 degrees 43 minutes 40 seconds, an arc distance of 4.06 feet to a 1/2-inch set iron rod with cap for the point of reverse curvature of a tangent circular curve to the left, having a radius of 380.00 feet whose chord bears South 74 degrees 01 minute 24 seconds East, a distance of 209.71 feet;

**EXHIBIT A  
PARTIAL RIGHT-OF-WAY ABANDONMENT  
COLLEGE AVENUE  
1.41 ACRES (61,212 SQUARE FEET)  
SITUATED IN THE  
MARTHA P. GREEN SURVEY, ABSTRACT NUMBER 519,  
ELIZABETH LAMAR SURVEY, ABSTRACT NUMBER 797,  
CITY OF CARROLLTON, DALLAS COUNTY, TEXAS**

THENCE Southeasterly, over and across said College Avenue and with said curve, through a central angle of 32 degrees 02 minutes 07 seconds, passing at arc distance of 88.63 feet to the north line of said Tract No. 2, and continuing over and across said College Avenue and said Tract No. 2, an arc distance of 212.47 feet to a 1/2-inch set iron rod with cap for corner on the south right-of-way line of said College Avenue, the south line of said Tract No. 2, and on the north line of a called 12.63 acre tract of land described as "Tract 4" in deed to Core5 Trade Center at Valwood, LLC, recorded in Instrument Number 201700358777, O.P.R.D.C.T.;

THENCE South 89 degrees 57 minutes 32 seconds West, with the south right-of-way line of said College Avenue and the north line of said 12.63 acre tract, a distance of 262.82 feet to a 1/2-inch set iron rod with cap for the northwest corner of said 12.63 acre tract, the southwest corner of said Tract No. 2, and on the east line of a called 9.37 acre tract of land described as "Tract 3" in deed to Core5 Trade Center at Valwood, LLC, recorded in Instrument Number 201700358778, O.P.R.D.C.T., from which a 1/2-inch found iron rod with yellow plastic cap stamped "HALFF" bears South 85 degrees 00 minutes 27 seconds East, a distance of 0.95 feet;

THENCE North 00 degrees 36 minutes 13 seconds East, with the south right-of-way line of said College Avenue, the west line of said Tract No. 2, and the east line of said 9.37 acre tract, a distance of 10.00 feet to a 1/2-inch set iron rod with cap for the northeast corner of said 9.37 acre tract, from which a 1/2-inch found iron rod with yellow plastic cap stamped "HALFF" bears South 86 degrees 16 minutes 41 seconds East, a distance of 1.02 feet;

THENCE South 89 degrees 57 minutes 32 seconds West, departing the west line of said Tract No. 2, and with the south right-of-way line of said College Avenue and with the north line of said 9.37 acre tract, passing at a distance of 793.51 feet to the northwest corner of said 9.37 acre tract and the northeast corner of a called 4.0 acre tract of land described in deed to Core5 Trade Center at Valwood, LLC, as recorded in Instrument Number 201700358779, O.P.R.D.C.T., and continuing with the south right-of-way line of said College Avenue and the north line of said 4.0 acre tract, for a total distance of 1,083.67 feet to a corner (not monumented), from which a 5/8-inch found iron rod bears South 82 degrees 46 minutes 35 seconds West, a distance of 2.54 feet;

THENCE North 17 degrees 37 minutes 05 seconds East, departing the south right-of-way line of said College Avenue and the north line of said 4.0 acre tract, and over and across said College Avenue, a distance of 52.47 feet to the **POINT OF BEGINNING AND CONTAINING 1.41 acres (61,212 square feet) of land, more or less.**

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COLLEGE AVENUE  
1.41 ACRES (61,212 SQUARE FEET)  
SITUATED IN THE  
MARTHA P. GREEN SURVEY, ABSTRACT NUMBER 519,  
ELIZABETH LAMAR SURVEY, ABSTRACT NUMBER 797,  
CITY OF CARROLLTON, DALLAS COUNTY, TEXAS**

The Basis of Bearing is the Texas Coordinate System, NAD83, North Central Zone (4202), North American Datum of 1983 (2011 Adjustment) Epoch 2010.00. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506.

This property description is accompanied by a parcel plat of even date.

G. J. Suthan Nov. 13/2019

Getsy J. Suthan  
Registered Professional Land Surveyor  
Texas No. 6449  
Halff Associates, Inc.,  
1201 North Bowser Rd.  
Richardson, Texas 75081  
214-217-6418  
TBPLS Firm No. 10029600



30' WIDE PERMANENT EASEMENT VOL. 85169, PG. 731 D.R.D.C.T.

SLOPE EASEMENT VOL. 99158, PG. 8189 D.R.D.C.T.

DAVID H. NIX SURVEY, ABSTRACT NO. 1092

POINT OF COMMENCING

N 17° 37' 05" E 52.47'

POINT OF BEGINNING

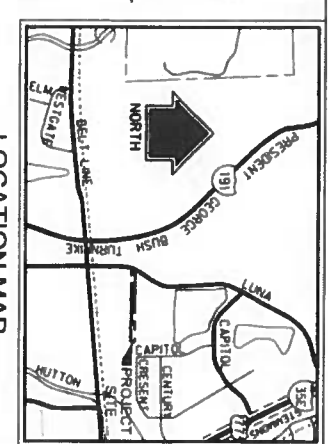
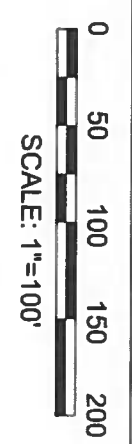
N 89° 57' 32" E

LUNA ROAD (VARIABLE WIDTH R.O.W.)

SLOPE EASEMENT VOL. 99158, PG. 8612 D.R.D.C.T.

(CALLED 2.262 ACRES) CITY OF CARROLLTON, TEXAS PARCEL 4 VOL. 99158, PG. 8198 D.R.D.C.T.

50' LONE STAR GAS EASEMENT VOL. 4283, PG. 204 VOL. 70020, PG. 250 VOL. 83033, PG. 415 D.R.D.C.T.



COLLEGE AVENUE

1,125.44'

MARTHA P. GREEN SURVEY, ABSTRACT NO. 519

S 89° 57' 32" W

1,083.67'

PARTIAL RIGHT-OF-WAY ABANDONMENT 1.41 ACRES (61,212 SQ. FT.)

(CALLED 9.37 ACRES) CORE5 TRADE CENTER AT VALWOOD, LLC TRACT 3 INST. NO. 201700358778 O.P.R.D.C.T.

EXHIBIT B

PARTIAL RIGHT-OF-WAY ABANDONMENT OF A COLLEGE AVENUE 1.41 ACRES TRACT (61,212 SQUARE FEET) SITUATED IN THE

MARTHA P. GREEN, ABSTRACT NO. 519, AND ELIZABETH LAMAR, ABSTRACT NO. 797 CITY OF CARROLLTON, DALLAS COUNTY, TEXAS FOR

CITY OF CARROLLTON

LEGEND  
VOL., PG. VOLUME, PAGE  
INST. NO. INSTRUMENT NUMBER  
FIR FOUND IRON ROD  
SIR SET IRON ROD  
(C.M.) CONTROL MONUMENT  
W/ CAP WITH BLUE PLASTIC CAP STAMPED "HALFF ESMT"  
D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS  
O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.000122622.  
2. A metes and bounds description of even date accompanies this exhibit.

Match Line, See Sheet 5 of 5

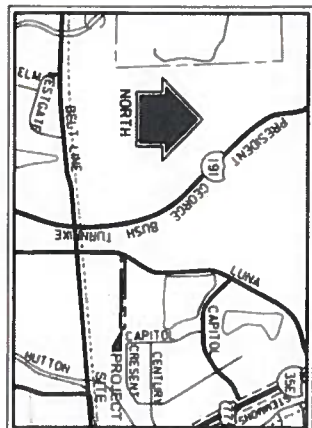




MARTHA P. GREEN SURVEY,  
ABSTRACT NO. 519

(CALLED 28.4473 ACRES)  
CAPITAL CENTER PROPERTY  
OWNERS ASSOCIATION, INC.  
VOL. 96229, PG. 3295  
D.R.D.C.T.

BLOCK 1 OF CAPITAL  
CENTER, PHASE III  
VOL. 84128, PG. 1210  
D.R.D.C.T.



*Handwritten notes:*  
V-2001  
112019

(CALLED 26.795 ACRES)  
CORE5 TRADE CENTER AT VALWOOD, LLC  
INST. NO. 201700358778  
O.P.R.D.C.T.

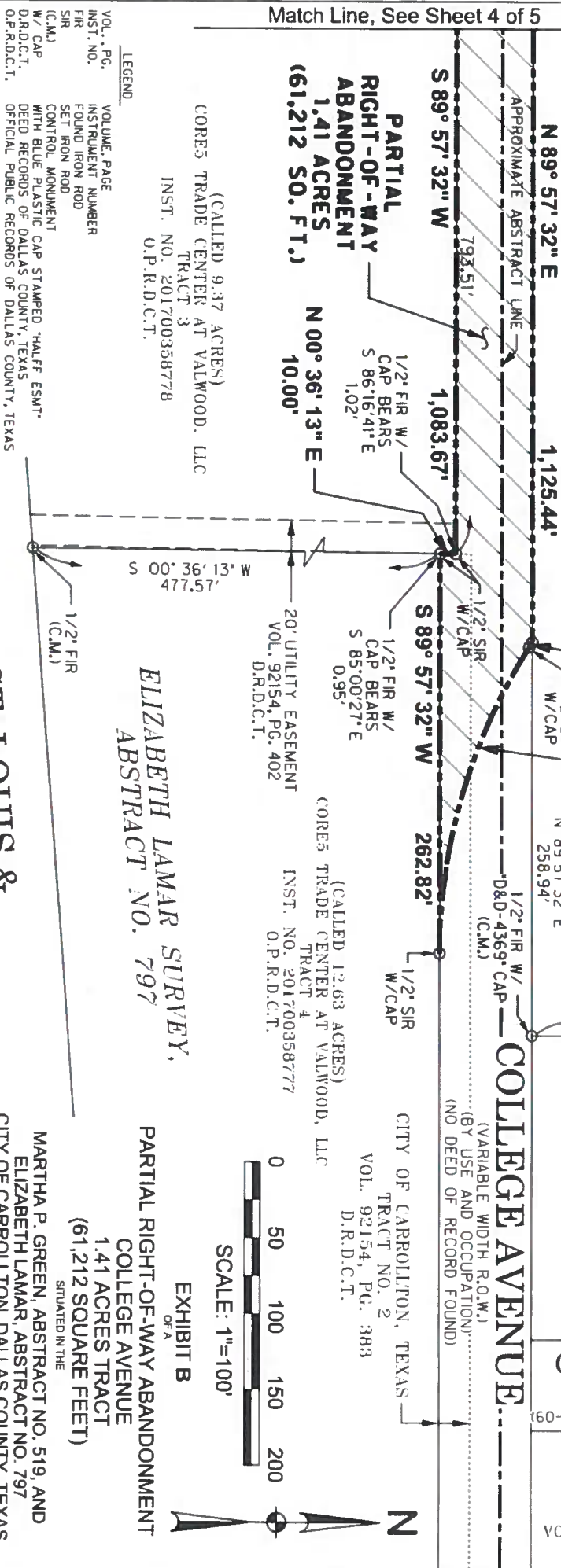
$\Delta=00^{\circ}43'40''$ (RT)  
 $R=320.00'$   
 $L=4.06'$   
 $CL=4.06'$   
 $CB=S58^{\circ}22'11''E$

$\Delta=32^{\circ}02'07''$ (LT)  
 $R=380.00'$   
 $L=212.47'$   
 $CL=209.71'$   
 $CB=S74^{\circ}01'24''E$

(CALLED 4.247 ACRES)  
CABOT II-TJIM06, LP  
INST. NO. 20080218710  
O.P.R.D.C.T.

BELT LINE 35  
BUSINESS PARK  
ADDITION  
VOL. 74164, PG. 161  
D.R.D.C.T.

Match Line, See Sheet 4 of 5



ELIZABETH LAMAR SURVEY,  
ABSTRACT NO. 797

(CALLED 12.63 ACRES)  
CORE5 TRADE CENTER AT VALWOOD, LLC  
INST. NO. 201700358777  
O.P.R.D.C.T.

CITY OF CARROLLTON, TEXAS  
TRACT NO. 2  
VOL. 92154, PG. 383  
D.R.D.C.T.

PARTIAL RIGHT-OF-WAY ABANDONMENT  
COLLEGE AVENUE  
1.41 ACRES TRACT  
(61,212 SQUARE FEET)  
SITUATED IN THE

MARTHA P. GREEN, ABSTRACT NO. 519, AND  
ELIZABETH LAMAR, ABSTRACT NO. 797  
CITY OF CARROLLTON, DALLAS COUNTY, TEXAS

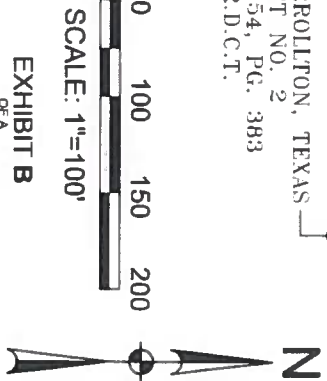
CITY OF CARROLLTON



1201 NORTH BOWSER ROAD, RICHARDSON, TEXAS 75081 (214) 346-8200  
TBR'S FIRM NO. 10029600 AVO# 32038 NOVEMBER 2019 SHEET 5 OF 5

NOTES:  
1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506.  
2. A meter and bounds description of even date accompanies this exhibit.

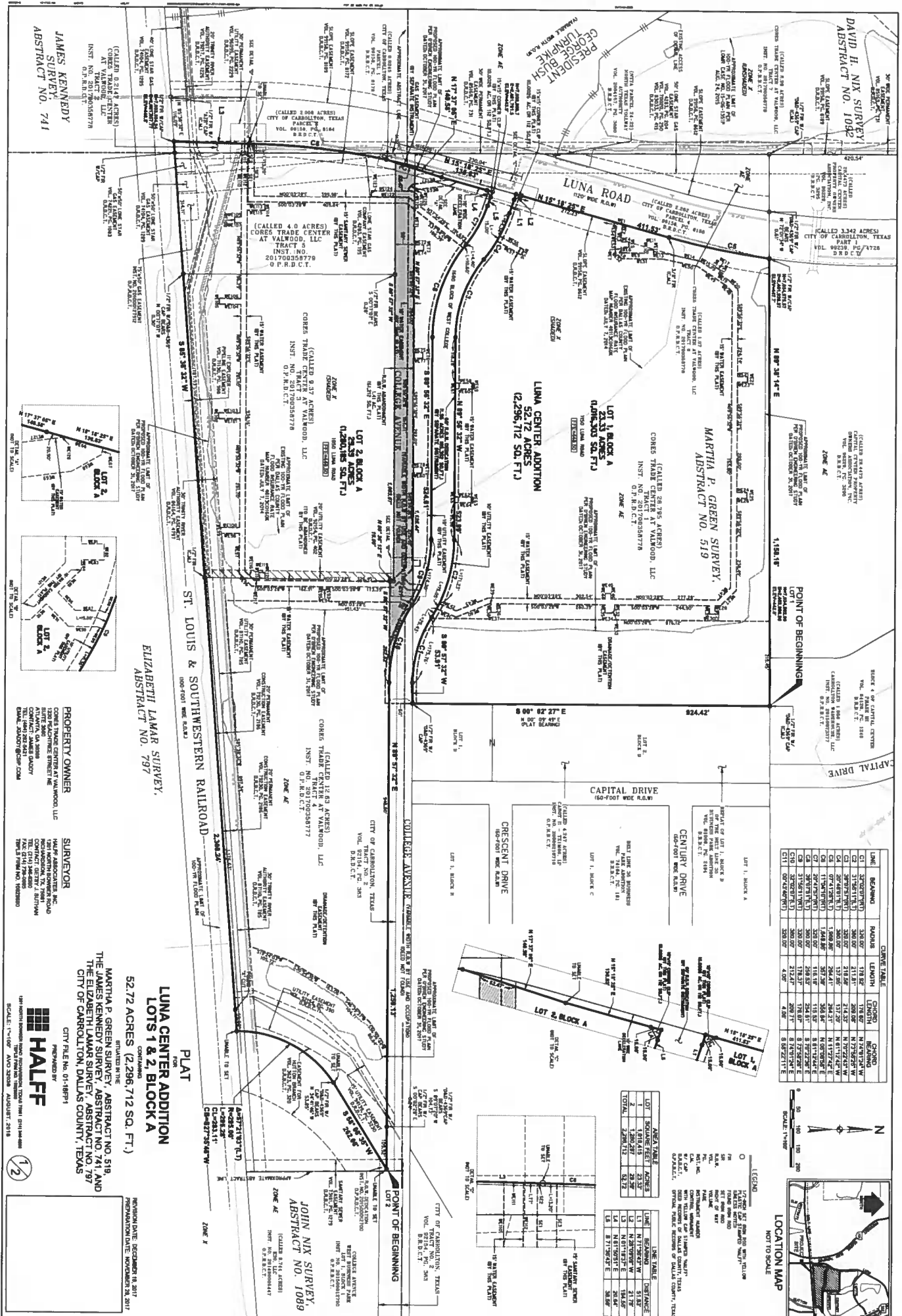
LEGEND  
VOL. & PG. INSTRUMENT NO. FOUND IRON ROD SET IRON ROD CONTROL MONUMENT WITH BLUE PLASTIC CAP STAMPED "HALFF ESMT-DEED RECORDS OF DALLAS COUNTY, TEXAS OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS"



ST. LOUIS &  
SOUTHWESTERN RAILROAD  
(100-FOOT WIDE R.O.W.)

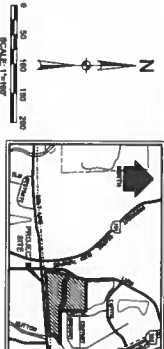


# EXHIBIT B



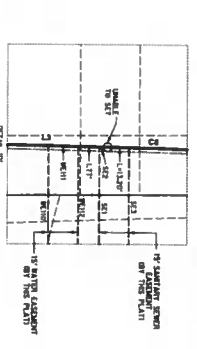
**CURVE TABLE**

LINE	BEARING	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	S 11° 15' 15" E	300.00'	178.82'	178.82'	N 72° 52' 45" W
C2	S 11° 15' 15" E	300.00'	178.82'	178.82'	N 72° 52' 45" W
C3	S 11° 15' 15" E	300.00'	178.82'	178.82'	N 72° 52' 45" W
C4	S 11° 15' 15" E	300.00'	178.82'	178.82'	N 72° 52' 45" W
C5	S 11° 15' 15" E	300.00'	178.82'	178.82'	N 72° 52' 45" W
C6	S 11° 15' 15" E	300.00'	178.82'	178.82'	N 72° 52' 45" W
C7	S 11° 15' 15" E	300.00'	178.82'	178.82'	N 72° 52' 45" W
C8	S 11° 15' 15" E	300.00'	178.82'	178.82'	N 72° 52' 45" W
C9	S 11° 15' 15" E	300.00'	178.82'	178.82'	N 72° 52' 45" W
C10	S 11° 15' 15" E	300.00'	178.82'	178.82'	N 72° 52' 45" W
C11	S 11° 15' 15" E	300.00'	178.82'	178.82'	N 72° 52' 45" W



**LOT TABLE**

LINE	BEARING	DISTANCE
L1	N 11° 15' 15" E	51.82'
L2	N 11° 15' 15" E	51.82'
L3	N 11° 15' 15" E	51.82'
L4	N 11° 15' 15" E	51.82'
L5	N 11° 15' 15" E	51.82'



**PLAT**  
**LUNA CENTER ADDITION**  
**LOTS 1 & 2, BLOCK A**  
 52.72 ACRES (2,286,712 SQ. FT.)

PREPARED BY  
**HALFF**  
 CITY FILE NO. 01-18991

REVISION DATE: DECEMBER 18, 2017  
 PREPARATION DATE: NOVEMBER 28, 2017

**PROPERTY OWNER**  
 MARTHA P. GREEN SURVEY, ABSTRACT NO. 519  
 THE JAMES KENNEDY SURVEY, ABSTRACT NO. 741  
 THE ELIZABETH LAMAR SURVEY, ABSTRACT NO. 797  
 CITY OF CARROLLTON DALLAS COUNTY, TEXAS

**SURVEYOR**  
 JAMES KENNEDY SURVEY, ABSTRACT NO. 741  
 SURVEY, ABSTRACT NO. 741

**DAVID H. NIX SURVEY, ABSTRACT NO. 1082**  
 (CALLED 3.342 ACRES) CITY OF CARROLLTON, TEXAS VOL. 98252 P. 4728 3 D & C

**MARTHA P. GREEN SURVEY, ABSTRACT NO. 519**  
 (CALLED 28.785 ACRES) CORNUS TRADE CENTER AT VALWOOD, LLC INST. NO. 201708088778 O.P.R.D.C.T.

**LUNA CENTER ADDITION (2,286,712 SQ. FT.)**  
 LOT 1, BLOCK A (1,243,303 SQ. FT.)  
 LOT 2, BLOCK A (1,043,409 SQ. FT.)

**ELIZABETH LAMAR SURVEY, ABSTRACT NO. 797**  
 (CALLED 9.37 ACRES) CORNUS TRADE CENTER AT VALWOOD, LLC INST. NO. 201708088778 O.P.R.D.C.T.

**JAMES KENNEDY SURVEY, ABSTRACT NO. 741**  
 (CALLED 0.314 ACRES) CORNUS TRADE CENTER AT VALWOOD, LLC INST. NO. 201708088778 O.P.R.D.C.T.